

**REPORT OF THE INVESTIGATION
INTO THE LOSS OF A MAN
OVERBOARD FROM THE YACHT
“RONDO” RESULTING IN A
FATALITY**

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1. SYNOPSIS

- 1.1 At approximately midnight on Thursday night 17th of February 2005 Mr. James Francis McLister and his son Mr. Aengus McLister left Sligo Marina (Rosses Point) bound for Dublin in their 9-meter “Gibsea” class yacht.
- 1.2 In view of the North Westerly weather conditions it was decided at the time to go south about with the option of sheltering at various locations along the way.
- 1.3 The following day, the 18th at approximately 19:00 hours when in a position about one nautical mile North West of “Erris Head” Co. Mayo, tragedy struck. Mr. James F. McLister was washed overboard. A search and rescue mission got underway resulting in the safe rescue of Mr. Aengus McLister. At approximately 21: 30 hours that evening, Mr. James F. McLister remained missing.
- 1.4 At approximately 10:00 hours the morning of the 19th the body of Mr. James F. McLister was recovered from the sea by search and rescue units and taken to Mayo General Hospital for autopsy.

2. FACTUAL INFORMATION

2.1 Description of yacht:

A “Gibsea” sailing cruiser. Single hull – High performance.

Sloop Rig.

L.O.A : . 9 meters.

Beam : 3 meters.

(Certificate of British Registry expired - 16-03-1993)

(Registered with the Royal Yachting Assoc. -17-03-1998)

Small Ship Register No. SSR 20104

Sail No. K-1243T

Call sign : MNPJ3

Radio licence expired May 1994

Engine Type : Yanmar Diesel – model 1 GM.

Cont Rating H.P - 6.5

R.P.M. 3400

2.2 The declared owner and victim was also the Skipper at the time of the incident.

Name: Mr. James Francis McLister

Address: Co. Sligo

And

London

U.K.

2.2.1 2nd Crew member

Name: Mr. Aengus McLister (son of deceased)

Address: As above.

2.3 The owner / Skipper of the vessel was considered an experienced yachtsman, having competed in two “Fastnet” races and having successfully completed several single-handed crossings from the United Kingdom to Ireland and return.

2.4 By and large the vessel was well fitted out with the recommended radio and navigation equipment including G.P.S. She also complied with recommended Fire fighting and Life saving appliances for a vessel of her class with the one significant omission of a life jacket / personal floatation device for every person onboard. This oversight was to prove to have disastrous consequences culminating in the loss of one life.

2.5 The vessel was also equipped with two Tiller – Pilot systems; A Simrad Navico TP10 and TP 100 neither of which in the opinion of Mr. Aengus McLister were man enough for the job thus necessitating manual steering in anything but calm seas.

3 EVENTS PRIOR TO THE INCIDENT

- 3.1 On 17th of February 2005 shortly before midnight Mr. James F. McLister and his son Mr. Aengus McLister set out from Rosses Point Marina, Co. Sligo bound initially for Dublin. The intention was to lay the vessel up in Dublin and sail her to Brighton at a later date availing of a favourable weather window.
- 3.2 During the initial lay-up period at Sligo marina several items had been removed from the vessel for safekeeping. When the decision was made to make the journey to Dublin the vessel was quickly stored up and preparations made. During these preparations only one lifejacket was placed on board.
- 3.3 It is understood that Mr. James F. McLister studied the weather conditions from the Internet and made the decision to sail south. No evidence of a passage plan was found. It is presumed that they intended to make it up as they went along.
- 3.4 The voyage commenced without incident with favourable weather conditions and continued so until daybreak when the wind direction shifted and the sea became rough and choppy (See Appendix 8.1).
- 3.5 The decision to proceed was made in the knowledge that if the situation worsened they could rely on the engine to get them to safety.
- 3.6 By early afternoon the engine began to give trouble resulting in frequent cleaning and changing of filters as a result of water getting into the engine. As the vessel was in no immediate danger, both men decided to dispense with using the engine thus reserving it for emergency use only.
- 3.7 Towards late afternoon / early evening Mr. Aengus McLister retired to his bunk feeling quite fatigued and exhausted. His father remained at the helm.

4 THE INCIDENT

- 4.1 During the early morning of the 18th February 2005 while on passage from Sligo marina towards Dublin the weather deteriorated increasing to force 5 from a North North West direction with a confused 3 to 4 meter swell. As a consequence the engine was started and used to maintain steerage. Later that morning the engine began to fail; this was attributed to water entering the fuel system from an existing small leak, which was thought to be of little consequence.
- 4.2 The engine was restarted on several occasions after cleaning / changing the fuel filters; but as the frequency of breakdown was causing concern a decision to turn the engine off was made with the intention of restarting only in an emergency. As the vessel was in no immediate danger and with both men having had experience of such weather conditions they felt no cause for concern.
- 4.3 The combination of vessel movement and the overpowering stench of diesel caused both men to experience varying degrees of seasickness.
- 4.4 Later that evening Mr. Aengus Mc Lister, now feeling quite weak from seasickness, retired to his bunk and fell asleep. His recollection of the time is uncertain due to his declining state.
- 4.5 During the late evening Mr. Aengus McLister was suddenly awoken from his sleep. He states that the vessel rolled heavily causing several objects to become dislodged. It was at that stage that he thought he heard shouting and became concerned for the welfare of his father, as he knew he was not wearing a lifejacket or safety harness.
- 4.6 Mr. Aengus McLister in a disorientated state due to his seasickness made his way up on deck. He believes he heard shouting. In his confused state he thought he saw a person in the water wearing yellow clothing; consistent with the clothing his father actually wore, approximately 150 metres astern. He threw a lifebuoy towards the victim, which fell short. He then lost sight of his father as the light was fading and attempted to turn the vessel around but without an engine and with a rope fouled on the rudder, his attempts were in vain. The time was approximately 18:50 hours. Mr. Aengus McLister contacted his mother who was in the London area, by mobile phone to raise the alarm as his attempts to contact the emergency services by radio failed. Mr. Aengus McLister maintains that he then made contact with Malin Head Coast Guard again by mobile phone advising them of the situation, however the Irish Coast Guard by letter dated the 5th August 2005 (See Correspondence received) has advised the MCIB as follows “ There is no record at MRSC Malin Head of any attempt to contact the emergency services by radio as stated in this paragraph. The location of the yacht “Rondo” at the time was approximately 1 nautical mile NW of Erris Head. This location is within marine VHF coverage from both the Belmullet Radio (Corclogh 60 metres above sea level) and from Glen Head Radio (Glen Columbkille, Bagort 280 metres above sea level). MRSC Malin Head remotely operates both of these marine VHF stations.

- 4.7 Mrs. McLister, wife of the deceased made an emergency 999 call to London Coast Guard. They in turn contacted the Marine Rescue Coordination Centre – (MRCC) Dublin through Belfast Coast Guard. MRCC Dublin advised Malin Coast Guard who by now, were already aware of the situation and a Pan Pan was broadcast. By 19:23 hours the situation was upgraded to a May Day. Mr. Aengus McLister had also at this point in time activated the Emergency Position Indicator Radio Beacon. E.P.I.R.B. and an accurate position determined from that information. This position was fixed at 1 nautical mile North West of Erris Head, Lat. 54° 19'.44 N, Long. 010° 04'.23 W (See Appendix 8.2). A full-scale search and rescue operation was now in progress. This directly involved MRSC Malin Head, MRCC Dublin, Several units of Coast Guard stations, Ballyglass and Achill Lifeboats and rescue Helicopters 115, 116 and 118. Many other rescue centres played a peripheral part in the operation. Fishing vessel “Antartica 2” also answered the distress.
- 4.8 Mr. Aengus McLister was advised to don his lifejacket and remain onboard the vessel as assistance was heading his way. On arrival on scene shortly before 20:00 hours and with the yacht now drifting dangerously close to shore, Mr. Aengus McLister was asked if he could drop sail to facilitate making a towrope fast. Despite being unable to lower the sail, a towrope was successfully made fast and the vessel was taken in tow. An airlift from the yacht was ruled out due to the fact that the sails were still up. Due to the current weather conditions the lifeboat crew became concerned about the durability of the tow. Mr. Aengus McLister was instructed to slip the tow and prepare to board the Lifeboat as she fell along side. Mr. Aengus McLister was finally taken off by Ballyglass lifeboat at 21:28 hours shivering and in a state of shock. Mr. Aengus McLister was taken ashore where he was treated by a local doctor. He spent the night in local accommodation under observation. Meanwhile the search continued for his father until just past midnight. The search was resumed the following morning at first light.

5 EVENTS FOLLOWING THE INCIDENT

- 5.1 On the morning of the 19th the search intensified incorporating a wider aerial and sea search with coastal units conducting shoreline searches. During the night the yacht remained adrift. At approximately 10:00 hours Rescue Helicopter 116 sighted the body of Mr. James F. McLister close to the drifting yacht. A few minutes later the Ballyglass Lifeboat recovered the body, which was brought ashore and transferred to Mayo General Hospital where a Post Mortem was performed that day.
- 5.2 The cause of death was given as Asphyxia due to drowning.
- 5.3 Following the recovery of the body of Mr. James F. McLister, conditions were now favourable to take the yacht in tow and take it to a safe haven. Two crewmembers from Achill Lifeboat were transferred to the yacht in order to lower the sail and make preparations for securing the towline. The yacht was then towed to Ballyglass Bay where she was safely moored shortly after midday.
- 5.4 Upon inspection at her moorings that afternoon by an M.C.I.B. Investigator the following observations were made;
- The upper of two safety lines at the after end positioned above the transom had parted where it had originally been lightly lashed. (See Photos 1 and 2 at Appendix 8.3)
 - There was a degree of fibreglass damage to the removable section of the transom area. (See Photos 3 and 4 at Appendix 8.3)
 - The G.P.S. antenna was broken away from its mounting. (See Photo 5 at Appendix 8.3)
 - The cabin contained approximately 6” of water mixed with a small quantity of diesel oil.
 - Tools, nautical publications and an array of several other objects were strewn about the cabin.
 - A halyard was hanging over the port quarter, which fouled the rudder. (See Photo 6 at Appendix 8.3)
 - Slight indentation of upper hull port side above deck line. (See Photo 6 at Appendix 8.3)
 - Jacklines were rigged but Mr. James F. McLister had not connected up.

6. CONCLUSIONS

- 6.1 It appears that Mr. James F. McLister was not wearing a lifejacket nor was he connected to the jacklines, and fell overboard.
- 6.2 Prior to leaving Sligo the vessel had been cleaned out and several items removed. When the vessel was provisioned for the voyage, only one lifejacket was placed onboard. This was to prove to have disastrous consequences. This oversight is in contravention to Statutory Instrument 259 of 2004 Merchant Shipping (pleasure craft) (lifejacket and operation) (safety) Regulations 2004 which compels owners/Skippers of pleasure craft to carry on board at all times one lifejacket /Personal Floatation Device for every person onboard. These lifejackets / PFD's are subject to stringent criteria as laid down in European Council Directives 93/686/EEC and 96/58/EC (See Appendix 8.5).
- 6.3 Although Jacklines were rigged, Mr. James F. McLister was not clipped on; as a result he stood very little chance of maintaining his footing and increased the risk of being washed overboard in the sea and swell conditions that prevailed at that time.
- 6.4 Although Nautical charts and publications were onboard a passage plan was never formalised or produced.
- 6.5 The after safety lines were strongly secured at one end but only lightly secured at the other end by means of light cordage bound by electrical tape. (See Photo No's 1 and 2 at Appendix 8.3).
- 6.6 The break in the upper after safety line connection in addition to the section of fibreglass damage to the transom was consistent with Mr. James F. McLister making contact with this area prior to falling overboard. In support of this the transom, which is removable, was found in a slightly dislodged position again suggesting a weight, coming in contact with it as a result of a fall. (See photo No. 4 at Appendix 8.3).
- 6.7 In summary this casualty was caused by the following:
- There was only one lifejacket placed onboard.
 - No passage plan had been prepared.
 - An existing known water leak which resulted in the loss of the engine, went without repair.
 - There was a degree of unfamiliarity with onboard equipment, especially radio equipment.
 - Jacklines / safety lines though rigged were not used.
 - The weak link securing the after safety lines should not have been in place.
 - There was a lack of solid contingency plans that would have incorporated alternatives due to changing weather conditions.
 - There was a lack of briefing prior to setting off on the voyage.

7. RECOMMENDATIONS

- 7.1 Yachtsmen should at all times wear approved lifejacket / personal floatation device (PFD).
- 7.2 Yachtsmen should in adverse weather conditions, wear a safety harness and be clipped onto the jacklines (See Marine Notice No9 of 2003 at Appendix 8.5)
- 7.3 It is recommended that, where cross transom safety lines or guard rails are fitted that they have a quick release system which is an integrated part of such safety or guard rail and is permanently fitted.
- 7.4 It is recommended that the Department of Communications, Marine and Natural Resources introduce a Code of Practice for recreational craft users outlining safety procedures, survival and safety techniques etc.

8. LIST OF APPENDICES

- 8.1. Met Eireann weather report.
- 8.2. Chartlet of area.
- 8.3. Photographs.
- 8.4. Marine Notice No 9 of 2003.
- 8.5. S.I. No 259 of 2004.
- 8.6. Jack lines
- 8.7. Procedures for recovering a man overboard from a yacht.

9. **LIST OF CORRESPONDENCE RECEIVED**

Correspondent

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Irish Coast Guard

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MCIB Response

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**MCIB RESPONSE TO LETTER FROM IRISH COAST GUARD
DATED 5th AUGUST 2005**

The MCIB notes the contents of this letter and have changed the report accordingly.