



**REPORT INTO THE GROUNDING
OF THE
MFV "ROSSES MORN"
IN THE VICINITY OF
LEGANAGH POINT
NEAR SEVEN HEADS,
CO. CORK
ON 4th FEBRUARY, 1999.**

The Marine Casualty Investigation Board was established on the 25th March, 2003 under The Merchant Shipping (Investigation of Marine Casualties) Act 2000

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1. SYNOPSIS

- 1.1 On the 4th February 1999 the wooden hulled fishing vessel "Rosses Morn" went aground on the rocks in the vicinity of Leganagh Point near Seven Heads, Co. Cork at approximately 06.00 hours with two crewmembers - David W. O' Driscoll, Skipper and Patrick Murphy, deckhand.
- 1.2 Mr. Murphy is believed to have gone down with the vessel. His body has never been recovered. Mr. O' Driscoll survived.

2. FACTUAL INFORMATION

Owner and Skipper	David W. O’Driscoll Beara Co. Cork Approximately 18 Years sea going experience
Deceased	Patrick Murphy Eyeries Co. Cork Approximately 30 Years sea going experience, 1.5 years on the "Rosses Morn"
Type of Vessel:	Wooden Hull Fishing vessel
Gross Tonnage:	102.90
Length Overall:	23.25Metres
Year of build:	1974
Speed:	8.5Knots
Radars:	2 x Furuno
GPS:	1
Plotter:	1 x Shipmate 2500 linked to GPS
MF Radio Telephone:	Furuno
VHF Radio Telephone:	1 x Sailor IKOM 50
Echo Sounder:	Furuno
Liferafts:	1 x Six Person RFD 1 x 8 Person Seafarer 4

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 The "Rosses Morn" left Dunmore East on the 31st January 1999 and was pair trawling with the MFV "Resplendent" until 1st February. On the 2nd February, as the fishing was not good the vessel moved to near Sovereign Rocks off Cork Harbour.
- 3.2 The Skipper brought his vessel into Cobh at about 11.00 hours on the 3rd February to land about 20 tonnes of catch. Due to a large number of vessels the "Rosses Morn" had to wait until the afternoon to land her catch. After landing the catch at about 15.30/16.30 hours the boat was washed down. Diesel Oil bunkers arrived at about 17.30 hours and the vessel took on about 4000 litres of fuel. The Skipper said he did some work in the engine room and completed all work about 19.30 hours. On completion of all operations the Skipper intended to take the vessel to their homeport of Castletownbere, Co. Cork.
- 3.3 According to the Skipper the vessel normally operated with five crewmembers (including the Skipper) but one of the crew (Mr. Cormac Sidley) had suffered an injury and left the vessel at Dunmore East, Co. Waterford.
- 3.4 Two of the remaining crew, Mr. Paul Henshaw from Castletownbere and Mr. Martin Kreher from Germany left the vessel at Cobh leaving only two people on board for the voyage to Castletownbere.
- 3.5 According to the Skipper, he and Patrick Murphy had something to eat and they went for a sleep around 21.30 hours and got up around 01.00 hours.
- 3.6 The "Rosses Morn" sailed from the Port of Cork around 02.00 hours on the morning of the 4th February 1999 with the Skipper at the helm. Once clear of the harbour he put the vessel in Autopilot and set a course on the Autopilot to pass off the Old Head of Kinsale and proceeded at full sea speed of about eight/nine knots. According to the Skipper, Mr. Murphy coiled down the ropes and then went to sleep on the 'long chair' in the galley.
- 3.7 According to the Skipper he handed over the bridge watch to Patrick Murphy at about 04.00 hours when the vessel was South West of the Sovereigns. The Skipper states that at this time it was a clear night with good visibility and the wind WSWly 3-4.
- 3.8 According to the Skipper the Radar, GPS, ECHO Sounder and Track Plotter were all on and working when he left the Bridge.

4. THE INCIDENT

4.1 The following is the Skippers version of events:

- He awoke when the "Rosses Morn" ran aground near Seven Heads.
- He rushed from the cabin at the back of the wheelhouse to the bridge. He noted that the "Rosses Morn" appeared to have grounded on her starboard bow. He could not see where they were but he could see the light on the Old Head of Kinsale.
- He put the engines astern and the vessel slid off immediately.
- He told Patrick Murphy to check the hold and he called Valentia Radio with a Mayday call and gave their GPS position.
- It was apparent that the vessel was flooding rapidly and it was apparent to him that the boat was going to sink.
- He got two lifejackets from the wheelhouse and put one on himself and gave one to Patrick Murphy.
- They tried to launch the six-man liferaft from the starboard side of the bridge without success. He disconnected the hydrostatic release and untied the painter so as to move the raft about but he was hampered by lack of available room. The boat at this time was way down by the head.
- As the water started coming in over the gunwale he urged Patrick Murphy to jump into the sea but he was reluctant to do so. At this time he jumped into the sea himself and he observed Patrick Murphy at the wheelhouse top. He again shouted at Patrick Murphy to jump and Patrick Murphy replied, "I can't". At this time the vessel sank and he did not see Patrick Murphy again.

5. EVENTS AFTER THE INCIDENT

- 5.1 The liferaft located in the forward part of the vessel floated free and inflated about twenty metres away. Mr. David O' Driscoll swam to it and got inside.
- 5.2 The Log Extracts from Valentia Radio indicate that the Mayday was received from the "Rosses Morn" at 06.14 hours. Valentia Radio paged Courtmacsherry Lifeboat and tasked Helicopter R115. The Marine Rescue Coordination Centre paged Seven Head Irish Marine Emergency Services.
- 5.3 At 06.55 hours Courtmacsherry Lifeboat informed Valentia Radio that they were on scene and searching.
- 5.4 At 07.31 hours the IMES Rescue Helicopter R115 was on scene and located the liferaft with David O' Driscoll at 07.34 hours.
- 5.5 At 07.43 hours David O' Driscoll was winched onboard the helicopter and later brought by the helicopter to Cork Regional Hospital.
- 5.6 At 08.12 hours Courtmacsherry Lifeboat recovered an EPIRB (Emergency Position Indicating Radio Beacon) and at 09.07 hours a lifejacket.
- 5.7 Despite an extensive search by the Naval Service, IMES Resources and local vessels over the following days the body of Mr. Patrick Murphy was not recovered.

6. FINDINGS AND CONCLUSIONS

- 6.1 The only witness and only survivor of the incident was the Skipper, Mr. David O'Driscoll.
- 6.2 It is noted that the vessels stay in port was a busy one and in addition due to the departure from Cobh, Co. Cork in the early hours of the morning fatigue may have been a major factor in contributing to this incident.
- 6.3 The weather was not a significant factor in the grounding of the vessel. According to Met Eireann the weather for the area at the time of the incident was expected to be Westerly Force 6 to 7 with isolated patches of drizzle and good visibility (See appendix 8.1). At 07.09 hours Courtmachsherry Lifeboat observed weather conditions as being "South Westerly 4 to 5 with a good swell".
- 6.4 The Commissioners of Irish Lights noted that all Aids to Navigations in the area were functioning normally (See Appendix 8.2).
- 6.5 Mr. David O' Driscoll holds a Second Hand Special with endorsement and was entitled to sail as Skipper on "Rosses Morn". A vessel of this length is required to have one certificated deck officer on board.
- 6.6 Due to the power of the engine the vessel was not required to carry a certificated engineer.
- 6.7 The practice of sailing with only two persons from Cobh to Castletownbere was not unusual for the vessel. However, the lack of personnel on board and the fatigue factor was a major factor in the tragedy that ensued. If sufficient personnel were on board and rested then the accident should not have occurred. Once the accident did occur there were insufficient personnel to handle the liferafts.
- 6.8 The EPIRB (Emergency Position Indicating Radio Beacon) was found not to be functioning due to severe degradation of the components due to internal corrosion. This may have been due to previous ingress of water. The EPIRB was (according to invoices) serviced in the United Kingdom on the 19th July 1976. In this respect it is noted that the Skipper was able to broadcast a Mayday message with a position prior to the vessel sinking.
- 6.9 The vessel was required to have a ships station radio licence. Therefore the EPIRB was not registered. If the vessel had a licence then the Marine Radio Survey Office would have carried out a Radio Licence Inspection and any faults with the EPIRB would have come to light.
- 6.10 There is no record of the radio certification of the crewmembers.

- 6.11 The "Seafarer" 8 person liferaft automatically released and inflated when the vessel sank. The 'RFD' liferaft was later recovered by Courtmacsherry lifeboat and brought ashore.

7. RECOMMENDATIONS

- 7.1 All fishing vessels should be safely manned at all times. Safe Manning should take into account normal day-to-day operations of the vessel as well as compliance with regulations (such as the International Regulations for Preventing Collisions at Sea) and have sufficient personnel on board to utilise Life Saving Appliances and Fire Fighting Equipment and to safely moor and unmoor the vessel. Safe Manning should ensure that all personnel receive adequate rest whilst working on board.
- 7.2 It is recommended that when any vessel goes aground the situation should be adequately assessed before any manoeuvring is attempted.
- 7.3 All fishing vessels owners and operators are required to comply with S.I. No. 544 of 1998 Fishing Vessel (Radio Regulations) 1998.

LIST OF APPENDICES

8. LIST OF APPENDICES

8.1 Met Eireann Weather Report.

8.2 Report on aids to Navigation from Commissioners of Irish Lights.

**Weather Report for the sea area near 51 34'N, 8 42'W
between 18hrs on the 3rd Feb 1999 and 8hrs on the 4th Feb 1999**

General Situation:

A fresh to strong westerly airflow over the sea area.

Details:

18hrs on the 3/2/99 to 6hrs on the 4/2/99.

Winds: South-west to west Force 4 to 6.

Weather: Isolated patches of light drizzle.

Visibility: Good.

6hrs to 8hrs on the 4th Feb 1999

Winds: Westerly Force 6 to 7

Weather: Isolated patches of drizzle

Visibility: Good

Sea conditions throughout Moderate to Rough



WeatherDial Product Code 0021
Central Analysis and Forecasting Office

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

Sea Area Forecast



Sea Area Forecast until : 0500 hours Friday 05/02/99
Issued at 0500 hours Thursday, 04-Feb-99

1. Gale warning: In Operation

2. Meteorological Situation at 0300: A mild humid and very strong Southwesterly airflow will veer West to Northwest today as a weak cold front moves Southeastwards across the area.

3. (i) Forecast for Coastal Waters from Slyne Head to Malin Head to Carlingford Lough and the North Irish Sea

Wind: Southwesterly gale force 8 or Strong Gale Force 9, veering West to Northwest gale force 8 or Strong Gale Force 9.

Weather: Light rain, mist and drizzle clearing to showers, some possibly wintry later.

Visibility: Moderate to poor at first, becoming mostly good later.

(ii) Forecast for Coastal Waters from Carlingford Lough to Dungarvan to Slyne Head and the South Irish Sea



Wind: Southwesterly force 7 or gale force 8, veering West to Northwest force 7 or gale force 8.

Weather: Patches of light rain mist and drizzle becoming more widespread for a time, clearing to showers later.

Visibility: Mostly good but moderate to poor for a time.

4. Warning of Heavy Swell : later in the West and North .

5. Outlook for a further 24-hours until 0500 hours Saturday 06/02/99: Gale or Strong Gale Force West to Northwest winds decreasing strong and gusty. Occasional showers some wintry later.

	<p style="text-align: center;">WeatherDial Product Code 0021 Central Analysis and Forecasting Office Fax : (01) 8064275 Tel : (01) 8064255 Sea Area Forecast</p>	
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**Sea Area Forecast until : 2300 hours Thursday 04/02/99
 Issued at 2300 hours Wednesday, 03-Feb-99**

1. **Gale warning:** In Operation
2. **Meteorological Situation at 2100:** A strengthening Southwesterly airflow covers Ireland, a cold front is approaching from the Northwest and will cross the country early tomorrow, a very strong West to Northwest airflow will follow.
3. (i) **Forecast for Coastal Waters from Erris Head to Malin Head to Carlingford Lough and the North Irish Sea**
 - Wind:** Southwesterly veering Westerly gale force 8 occasionally Strong Gale Force 9, later veering West to Northwest force 7 or gale force 8.
 - Weather:** Rain drizzle and fog becoming widespread, clearing to showers in the morning.
 - Visibility:** Moderate to poor becoming mostly good.
- (ii) **Forecast for Coastal Waters from Carlingford Lough to Roches point to Slyne Head and the South Irish Sea**
 - Wind:** Southwesterly force 6 or 7 soon increasing force 7 or gale force 8, veering Westerly force 6 to gale force 8 tomorrow.
 - Weather:** Rain and drizzle becoming widespread for a time, but clearing to showers later.
 - Visibility:** Becoming Moderate to poor in drizzle or rain, otherwise mostly good.
4. **Warning of Heavy Swell :** on Western and Northern coasts.
5. **Outlook for a further 24-hours until 2300 hours Friday 05/02/99:** gale force 8 West to Northwest winds, reaching Strong Gale Force at times in the North and Northeast. Blustery showers, some wintry later.

Warning of heavy Atlantic swell : in the West and Northwest

Text of Gale warning

The following Gale Warning has been issued by Met Éireann at 0500 hours on 4-February-1999

Southwesterly gales today on all Irish coastal waters and the Irish Sea, later veering West to Northwest, with strong gales on coasts from Slyne Head to Malin head to Carlingford Lough and the North Irish Sea.

Coastal Reports	at 5 am
Malin Head	West Southwest 36 Knots, Gust 52 Knots, Light Drizzle , 5 Miles, 1016, Falling
Rosslare	Southwest 12 Knots, Cloudy , 12 Miles, 1030, Falling Slowly
Roches Pt. Automatic	West 10 Knots, Gust 25 Knots, Greater than 10 Miles, 1032, Falling Slowly
Valentia	Southwest 14 Knots, Gust 26 Knots, Recent Drizzle , 9 Miles, 1032, Falling Slowly
Belmullet	West 27 Knots, Gust 42 Knots, Mist , 8 Miles, 1023, Falling Slowly
Dublin Airport	West Southwest 27 Knots, Gust 38 Knots, Recent Drizzle , 12 Miles, " 1025, Falling

Sea Crossings	State of sea for the next 48 hours
Dublin - Holyhead	Moderate increasing rough
Rosslare - South Wales	Moderate increasing rough
Cork - South Wales	Rough
Rosslare - France	Rough
Cork - France	Rough

Next update before 1300 hours

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Warning of heavy Atlantic swell : NIL

Text of Gale warning

Gale warning issued by Met Éireann at 1800 hours on 3-February-1999 should be withdrawn and the following substituted :

Quote

The following Gale Warning has been issued by Met Éireann at 2300 hours on 3-February-1999

Southwesterly gales, veering Westerly, will extend tonight to all Irish coastal waters and the Irish Sea, with winds reaching strong gale force on coasts from Erris Head to Malin head to Carlingford Lough and the North Irish Sea.

Coastal Reports	at 11 pm
Malin Head	Southwest 30 Knots, Gust 53 Knots, Recent Rain , 25 Miles, 1022, Falling
Rosslare	Southwest 15 Knots, Cloudy , 12 Miles, 1032, Falling Slowly
Roches Pt. Automatic	West 15 Knots, Greater than 10 Miles, 1033, Falling Slowly
Valentia	South Southwest 12 Knots, Cloudy , 7 Miles, 1034, Falling Slowly
Belmullet	Southwest 28 Knots, Recent Drizzle , 10 Miles, 1026, Falling Slowly
Dublin Airport	West Southwest 19 Knots, Gust 34 Knots, Cloudy , 12 Miles, 1029, Falling Slowly

Sea Crossings	State of sea for the next 48 hours
Dublin - Holyhead	Moderate increasing rough
Rosslare - South Wales	Moderate increasing rough
Cork - South Wales	Rough
Rosslare - France	Rough
Cork - France	Rough

Next update before 0700 hours

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WeatherDial Product Code 0021
Central Analysis and Forecasting Office
 Fax : (01) 8064275 Tel : (01) 8064255
Sea Area Forecast

Sea Area Forecast until : 1800 hours Thursday, 04-Feb-99
Issued at 1800 hours Wednesday, 03-Feb-99

1. Gale warning in operation.

2. Meteorological Situation at 1500 hrs : A strengthening Southwest airflow covers Ireland. A frontal trough to the Northwest will push down over Ireland tomorrow morning.

3. Forecast for coasts from Slyne Head to Malin Head to Howth Head and for the North Irish Sea

Wind : Southwest force 6 to gale force 8 increasing force 7 to strong gale force 9 and gusty. Veering West to Northwest later with some severe gusts in the Northeast.

Weather : Rain drizzle and mist clearing tomorrow morning to scattered showers.

Visibility : Moderate or poor improving good.

Forecast for coasts from Howth Head to Roches Point to Slyne Head and for the South Irish Sea

Wind : Southwest force 6 or 7 increasing force 7 or gale force 8 and veering Westerly. Becoming West to Northwest force 6 to gale force 8 and gusty later.

Weather : Rain or drizzle in places becoming more widespread for a time clearing to showers later.

Visibility : Moderate, occasionally poor. Later good.

3a. Warning of Heavy Swell later on Western and Northern Coasts.

4. Outlook for a further 24-hours until 1800 hrs Friday, 05-feb-99: Strong to gale force Northwest winds reaching strong gale force in the Northeast. Scattered showers, some wintry.

Warning of heavy swell later on Western and Northern coasts.

Text of Gale warning

The following Gale Warning has been issued by Met Éireann at 1800 hours on 3-February-1999
Southwest gales veering Westerly extending to all coastal waters and to the Irish Sea tonight with winds reaching strong gale force on coasts from Erris Head to Malin head to Carlingford Lough and on the North Irish Sea.

Coastal Reports	at 6 pm
Malin Head	Southwest 30 Knots, Cloudy, 18 Miles, 1024, Falling Slowly
Rosslare	West Southwest 13 Knots, Gust 25 Knots, Cloudy, 11 Miles, 1033, Falling Slowly
Roches Pt. Automatic	Southwest 12 Knots, Greater than 10 Miles, 1035, Falling Slowly
Valentia	South Southwest 10 Knots, Light Drizzle, 7 Miles, 1034, Falling Slowly
Belmullet	Southwest 24 Knots, Light Drizzle, 1 Mile, 1027, Falling Slowly
Dublin Airport	West Southwest 20 Knots, Cloudy, 7 Miles, 1030, Falling Slowly

Sea Crossings	State of sea for the next 48 hours
Dublin - Holyhead	Moderate increasing rough
Rosslare - South Wales	Moderate increasing rough

Cork - South Wales	Rough
Rosslare - France	Rough
Cork - France	Rough

APPENDIX 8.2



COMMISSIONERS OF IRISH LIGHTS

16 Lower Pembroke Street • Dublin 2

Telephone + 353 - 1 - 662 4525 • Fax + 353 - 1 - 661 8094

Telex 93311 CIL EI • Website: <http://www.cil.ie>

e-mail: Marine Department - marine@cil.ie

Your Ref:

Our Ref: IMS/KOH/JSH

Date: 10 February 1999

Dear

MARINE INCIDENT 4TH FEBRUARY 1999 AT SEVEN HEADS

I enclose a casualty status report for the 3rd, 4th and 5th February 1999 regarding the aids to navigation provided by the Commissioners of Irish Lights.

I confirm that our aids to navigation between Mizen Head and Roches Point, which includes the area of Seven Heads, were functioning correctly on the 4th February 1999.

Yours sincerely,

KIERAN O'HIGGINS,
for **INSPECTOR OF LIGHTS & MARINE SUPERINTENDENT.**

Encl.

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/r

LIST OF CORRESPONDENCE RECEIVED

9. LIST OF CORRESPONDENCE RECEIVED

Correspondent	Page No.
Mr. Colin Williams, Inspector of Lifeboats Ireland	20
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Ms. Maeve O'Driscoll, (Solicitor representing Mrs. Teresa F. Murphy)	21
MCIB Response	22



Lifeboats

Mr Dick Heron
 Secretary
 Marine Casualty Investigation Board
 Leeson Lane
 Dublin2

23 June 2005

Dear Mr Heron,

Re: Reports MCIB 83 and MCIB 98

Thank you for forwarding draft reports MCIB 83 & 98 for our examination and comment.

We apologise for the delay in responding upon report MCIB 83

The RNLI has no further comments to add to either of these unfortunate incidents.

Yours sincerely

Colin Williams
 Inspector of Lifeboats (Ireland)

RNLI Ireland

Registered charity number CHY 2678
 Supported by voluntary contributions
 Chief Executive: Andrew Freemantle
 Chairman: Admiral Sir Jock Slater GCB LVO DL
 Chairman Irish Council Members: Terence Johnson
 National Fundraising and
 Communications Manager (ROI): Mary Newman

From:

Divisional Base Ireland

Unit 1, Feltrim Business Park,
 Swords, Co. Dublin, Ireland

Telephone: (01) 8900460
 Fax: (01) 8900458
 email: dbwireland@rnli.org.uk
 www.rnli.org.uk



NCIB RESPONSE

The MCIB notes the contents of this letter

P. J. O'Driscolls
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41 South Main St., Bandon Co. Cork
Tel: 023/41322, Fax: 023/44669
DX 13 006

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44/LB/H.984

Our Ref:

Your Ref:



17th June 2005

Re: Report into the grounding of the MFV "Rosses Morn" on 4th February 1999

Dear Sirs,

We refer to the draft report as furnished, which we have considered with our client and respectfully respond as follows;

The family of the late Patrick Murphy do not accept the account of the movements of Patrick Murphy and David O'Driscoll in Cobh on the evening of the 3rd February 1999 as detailed in the draft report and request that the investigators investigate and establish the identity of persons who were known to be in Cobh on the night between the arrival of the MFV "Rosses Morn" in Cobh at 10am (according to the log sheets and accounts of movements held by the Department of Marine Cork) and when the MFV "Rosses Morn" left Cobh and interview/make enquiries of them in that regard.

Furthermore the Auto Pilot is not listed in the "Factual Information" on page 4 of the Report

Yours faithfully,

Maeva O'Driscoll
For P.J. O'Driscolls.
Email: modriscoll@pjodriscoll.com

**MCIB RESPONSE TO THE LETTER FROM MS. MAEVE O'DRISCOLL,
O'DRISCOLLS SOLICITORS DATED 17th JUNE 2005**

The MCIB is satisfied that the report is correct. Mr. O'Driscoll, Skipper of the "Rosses Morn" informed the Investigator that "He and Mr. Murphy had a meal about 21.00 hours on the 3rd February, they then went for a sleep, woke at about 01.00 hours and went for a walk on the quay before sailing at 02.00 hours on the morning of the 4th February 1999."

