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**REPORT OF INVESTIGATION
INTO
LOSS OF A CREWMEMBER
OVERBOARD FROM
MFV "SKELLIG LIGHT II"
ON
28th DECEMBER 2008**

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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**REPORT No. MCIB/165
(No. 4 of 2010)**

Report MCIB/165 published by The Marine Casualty Investigation Board
17 June 2010

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1. SYNOPSIS

- 1.1 On 28th December 2008 while stowing nets on a flying bridge at the aft end of the vessel Mr. Alvaro Paz Portas leaned or fell against the guardrail and toppled into the sea. After numerous attempts to assist him and a delay of approximately 95 minutes, Mr. Portas' body was recovered from the water. No vital signs were apparent and it was presumed that Mr. Portas was dead.
- 1.2 Approximate location of the casualty was at Lat. 49° 14'N, Long. 11° 36'W in international waters as indicated in Appendix 8.2.

2. FACTUAL INFORMATION

2.1 General description of vessel:

Name: MFV "Skellig Light II"
 Type: Steel hulled trawler with forward accommodation and wheelhouse.
 Official number: 403512.

Technical Details:

Length: 29.14 m.
 Breadth: 8.00 m.
 Moulded depth: 5.6 m.
 Moulded draught: 3.3 m.
 Gross Tonnage: 324 tonnes
 Net Tonnage: 97 tonnes



MFV "Skellig Light II" alongside at La Coruna, January 2009.

2.2 The crew list as received by the owners of the vessel is at Appendix 8.1. It is noted that the deceased's name is not on the list.

EVENTS PRIOR TO THE INCIDENT

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 Mr. Portas was working on the flying bridge at the aft of the vessel on the outboard side with a number of other members of the crew. They were engaged in stowing nets on the flying bridge. Information supplied by the owners representative suggests that, as far as he was aware Mr. Portas was wearing a PFD. However, it has not proved possible to confirm this conclusively.



Mr. Portas was working on the edge of the platform on the left of the photograph above.

- 3.2 The nets had raised the working floor of the area to within 18 inches of the top of the handrail.
- 3.3 The underfoot surface was irregular; almost solid in places when standing on head or footropes and very uncertain in way of the nets where the area underfoot was liable to subside suddenly.
- 3.4 The weather at the time was wind: Easterly 5 to 6, sea state: rough to very rough.
- 3.5 The vessel was in position Lat. 49° 14'N Long. 11° 36'W as indicated in Appendix 8.2.

4. THE INCIDENT

- 4.1 The Skipper reported that Mr. Portas stepped or fell backwards and the handrail caught him at the back of his legs inevitably leading to him falling overboard.
- 4.2 The alarm was raised on board immediately by his co-workers. This is reported to have occurred shortly after 08.00 hrs (ship's time).
- 4.3 A lifebuoy was thrown to Mr. Portas and he started to swim towards it. When at a short distance from the lifebuoy, he gave a groan and stopped swimming.
- 4.4 Numerous lifebuoys and ropes were thrown towards Mr. Portas but he made no attempt to retrieve any of them.
- 4.5 An attempt was made to hook onto Mr. Portas with a boat hook but he proved too heavy to retrieve in this manner and after an unspecified delay an attempt was made to launch the rescue boat.
- 4.6 On lowering the rescue boat to the water, the crew were unable to start the engine. The boat was lifted back on board at circa 09.30 hrs. At about the same time a rope was fouled around Mr. Portas arm and he was recovered on board.



Rescue boat in stowed position. Note the lowering gear is not connected and the boat consequently is not ready for immediate use.

EVENTS FOLLOWING THE INCIDENT

5. EVENTS FOLLOWING THE INCIDENT

- 5.1 On recovering the body a number of tests were suggested by shore medical staff in Spain to ascertain signs of life. With none apparent it was presumed that Mr. Portas was dead and the vessel proceeded to La Coruna.
- 5.2 There is no record of any call for assistance to shore facilities or to other vessels in relation to the incident.
- 5.3 No consideration was given to proceeding to the nearest port (Dingle or Castletownbere). The approximate sailing time to Castletownbere/Dingle would be 14 hours at 10 kts. The sailing time to La Coruna is estimated at 35 hours ignoring adverse weather conditions.
- 5.4 No arrival time or other information regarding the events that took place subsequent to the incident has been made available.
- 5.5 The skipper of the vessel provided a statement. No corroborating statements from other crew members were provided.
- 5.6 While the owners of the vessel were unable to produce a crew list for the vessel at the time of the incident. It was later produced (see Appendix 8.1).

6. CONCLUSIONS

- 6.1 There was no evidence on the MFV "Skellig Light II" that musters and drills had ever been carried out.
- 6.2 Other than the Master and Chief Engineer, the crew could neither speak nor write English or Irish and consequently could not be familiar with Irish Maritime law and regulations and did not hold statutory certification from the Irish maritime administration.
- 6.3 It took approximately 90 minutes to recover the body of Mr. Portas from the water in a position almost alongside the vessel. The cause of death was not officially verified.
- 6.4 The investigation was unable to determine conclusively if Mr. Portas was wearing a PFD.
- 6.5 While the vessel was alongside in La Coruna, drills carried out under the supervision of the Marine Survey Office revealed that the crew were unfit and unable to easily reach the rescue boat platform.
- 6.6 The attempt to launch the rescue boat was unsuccessful because the engine could not be started. There is no report of concerns about the weather conditions, which were described as sea state rough to very rough by Met Éireann (see Appendix 8.3).
- 6.7 The vessel did not head for the nearest port.

7. RECOMMENDATIONS

- 7.1 The Minister should give consideration to implementing a fishing vessel Operational Inspection programme and inspections should be carried out regularly in a planned manner rather than random inspections by surveyors engaged in other work. These inspections should be additional to survey inspections and should be unannounced.
- 7.2 The Minister should enforce the Regulations on manning of Irish Flag fishing vessels. (S.I. No.192 of 2000 - Fishing Vessels (Certification of Deck Officers and Engineer Officers) (Amendment) Regulations, 2000).

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APPENDIX 8.1

Appendix 8.1 List of Crew members.

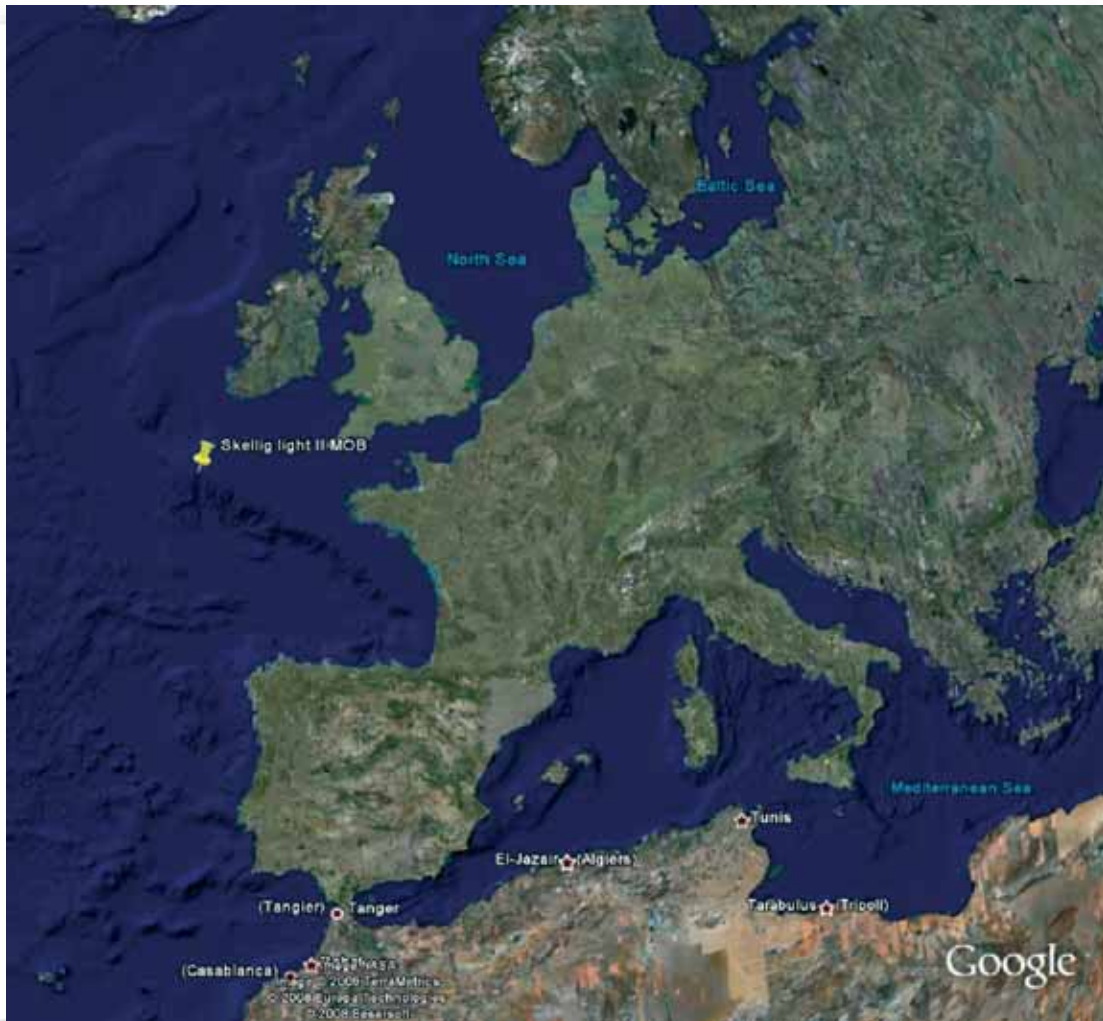
CREW ON BOARD Skellig Light II ON 28/11/2004

RELACION DE TRIPULANTES DEL M/P "SKELLIG LIGHT II":

<u>NOMBRE</u>	<u>DOMICILIO</u>
CARLOS B. MILLAN DUJO (PATRON PESCA)	(A CORUÑA)
CIPRIANO A. RODRIGUEZ (2º. PATRON)	(A CORUNA)
MANUEL BARCIA CRESPO (1º. MOTORISTA)	(A CORUNA)
JUAN F. OMIL BULLOSA (2º. MOTORISTA)	(PONTEVEDRA)
ENRIQUE BLANCO ALVAREZ (CONTRAMAESTRE)	(PONTEVEDRA)
JOSE A. SOBRIDO SOBRIDO (MARINERO)	(A CORUÑA)
JUAN J. LEMA MARTINEZ (MARINERO)	(A CORUÑA)
EUGENIO FIDON EIDON (MARINERO)	(PONTEVEDRA)
FRANCISCO DOMINGULZ ABRUJ (MARINERO)	(PONTEVEDRA)
FIDEL GONZALEZ VILAR (COCINERO)	(A CORUÑA)

SKELLIG FISH LTD
CAHIRCIVEEN, CO. KERRY
IRELAND
PHONE: 068 72177 FAX: 068 72553

Appendix 8.2 Map of position of MFV "Skellig Light II".



Appendix 8.3 Met Éireann Weather and Sea Condition Report.



MET ÉIREANN
The Irish Meteorological Service

Specialist field: Marine Meteorology

Reference: WS3018/2A/20081228m.doc (MCIB/165 "Skellig Light")

Title Report : Weather and Sea conditions for Sunday 28th December 2008 between 06:00 – 12:00 hours GMT for the sea area around 49°14'N 11°36'W (between Ireland and Spain, approximately 150 nautical miles Southsouthwest of Mizen Head)

Accident detail : MFV "Skellig Light II" loss of person overboard

Reference : WS3018/2A/20081228m.doc (MCIB/165)

Author : W. J. Phelan, MSc.
Marine Meteorologist
Met Éireann
Glasnevin Hill
Dublin 9
Phone: 01 8064285
Fax: 01 8064247
Email: marine@met.ie

Date : 28 July 2009

Signed :

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Appendix 8.3 Met Éireann Weather and Sea Condition Report.



MET ÉIREANN
The Irish Meteorological Service

Specialist field: Marine Meteorology

Reference: WS3018/2A/20081228m.doc (MCIB/165 "Skellig Light")

1) Weather and Sea conditions for Sunday 28th December 2008, 06:00 – 12:00 hours GMT for the sea area around 49°14'N 11°36'W (between Ireland and Spain, approximately 150 nautical miles Southsouthwest of Mizen Head)

Summary:

For a period of several days a high pressure system moving very slowly from Ireland Northeastwards towards Norway brought Easterly winds to the area. From 23rd December onwards Easterly winds were blowing, light at first but increasing over the days. The Easterly winds were moderate to fresh (Beaufort force Force 4 to 5) on the 25th and 26th December, increasing to a fresh to strong breeze (Beaufort Force 5 to 6) on the 27th and 28th December 2008. These sustained and building Easterly winds resulted in waves of increasing height and at the time of the accident wave heights can be described as rough to very rough.

Meteorological situation:

An anticyclone of 1045 hPa centered over the south of Norway and Sweden, maintains a fresh to strong Easterly airflow over the area. The occluded front of a low pressure system of 997 hPa to the south influences the area with prefrontal high clouds only.

Winds: Easterly Beaufort Force 5 to 6 (average 24 knots, maximum gust of 37 knots)

Weather: Cloudy

Visibility: Good

Sea State: Rough to very rough (maximum significant wave height 5.5 meters)

Sea temperature: 12.7° C

Appendix 8.3 Met Éireann Weather and Sea Condition Report.



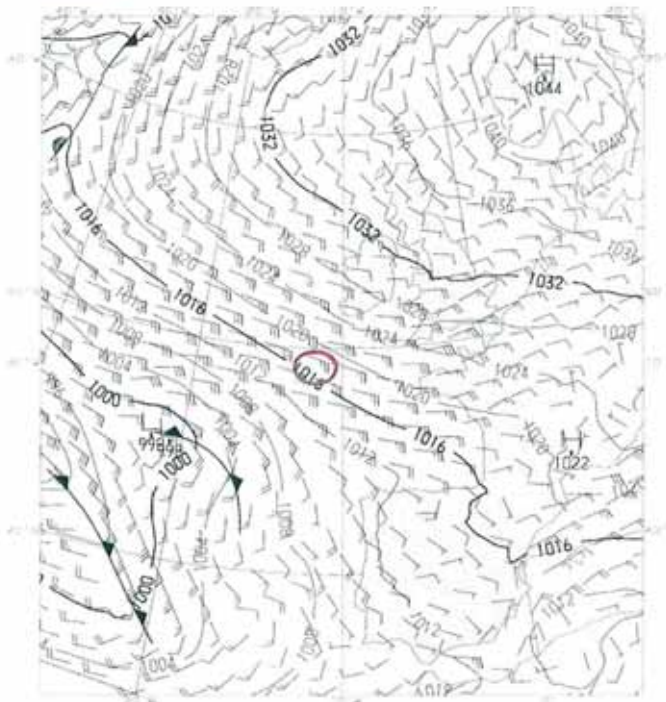
MET ÉIREANN
The Irish Meteorological Service

Specialist field: Marine Meteorology

Reference: WS3018/2A/20081228m.doc (MCIB/165 "Skellig Light")

2) Weather chart for Sunday 28 December 2008 at 12:00 hours with area around 49°14'N 11°36'W highlighted

	Met Éireann : WeatherDial : Product Number 000	
	Main Sea Level Pressure / 10-Metre Wind	
	Analysis valid on Sun 28 Dec 2008 at 12 UTC	
	[Based on data from Sun 08 Dec 2008 at 02 UTC]	



Issued at 1000 UTC on Sun : Next update due before 2300 UTC on Sun : Copyright Met Éireann 2008
Main product list last updated on 10-May-2008 : [Enter code 0000 for product list]
For DETAILED WINDS on coastal waters : 093; LATEST SEA-AREA FORECAST text [Code 005]

Appendix 8.3 Met Éireann Weather and Sea Condition Report.

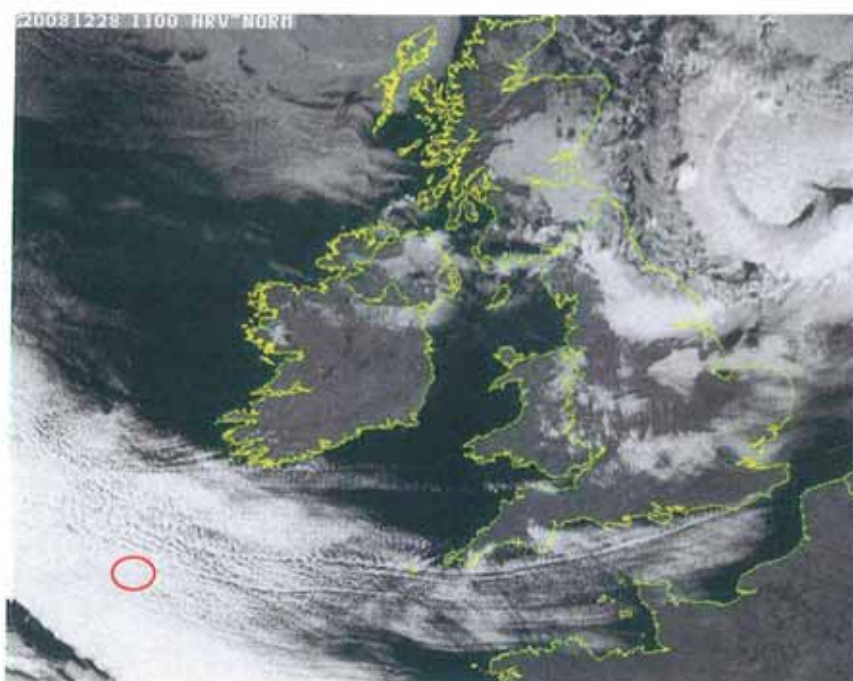


MET ÉIREANN
The Irish Meteorological Service

Specialist field: Marine Meteorology

Reference: WS3018/2A/20081228m.doc (MCIB/165 "Skellig Light")

3) Satellite Picture 28 December 2008 11:00 hours



Appendix 8.3 Met Éireann Weather and Sea Condition Report.




MET ÉIREANN
The Irish Meteorological Service

Specialist field: Marine Meteorology

Reference: WS3018/2A/20081228m.doc (MCIB/165 "Skellig Light")

4) Sea Area Forecast issued by Met Éireann on 28 December 2008 at 06:00 hours

Note that the Sea Area Forecast is for an area of up to 30 nautical miles off the coast of Ireland. The accident on MFV Skellig Light occurred 120 nautical miles further south of the Irish coastal waters.

	WeatherDial Fax Product Code 0021	
	General Forecasting Division	
	Fax : 1570 131 838	
	Sea Area Forecast	

**Sea Area Forecast until 0600 Monday 29 December 2008
Issued at 0600 Sunday 28 December 2008**

1. **Gale warning:** Nil.
Small craft warning: in force.
2. **Meteorological situation at 0300:** An anticyclone of 1045 hPa, centred over south Norway, is almost stationary and maintains a stable easterly airflow over Ireland.
3. **Forecast for coasts from Carnsore Point to Mizen Head to Slyne Head:**
Wind: East to southeast force 5 to 6, occasionally force 7 in the south.

Forecast for coasts from Slyne Head to Fair Head to Carnsore Point:
Wind: East to southeast force 4 to 5.

Forecast for the Irish Sea:
Wind: East to southeast force 5 to 6.

Weather for all sea areas: Fair or fine.

Visibility for all sea areas: Good.
4. **Outlook for a further 24 hours until 0600 Tuesday 30 December 2008:** Fresh to strong southeast winds. Outbreaks of rain spreading from the southwest Monday night and during Tuesday.

| 5 of 8 |



Appendix 8.3 Met Éireann Weather and Sea Condition Report.

Warning of heavy Atlantic swell: Nil.

Text of Gale Warning

Nil.

Text of Small Craft Warning

East to southeast winds will reach force 6 or 7 today and tonight on coasts from Camsore Point to Mizen Head to Slyne Head.

Coastal Reports	at 5 AM Sunday 28 December 2008
Malin Head	Southeast, 13 Knots, Fine, 26 Miles, 1033, Falling slowly
Buoy M5	East, 18 Knots, The visibility at Tuskar Lighthouse is Greater than 10 Miles, 1028, Falling slowly
Roche's Pt (Automatic)	East, 17 Knots, Fair, Greater than 10 Miles, 1027, Falling slowly
Valentia	East-Northeast, 05 Knots, Gust 24 Knots, Fine, 18 Miles, 1026, Falling slowly
Belmullet	East, 10 Knots, Gust 23 Knots, Fine, 32 Miles, 1030, Falling slowly
Dublin Airport	East-Northeast, 10 Knots, Fair, 10 Miles, 1031, Falling slowly
Buoy M1 53° 8'N, 11° 12'W	NOT AVAILABLE,
Buoy M2 53° 29'N, 5° 26'W	East, 23 Knots, WAVE HT 02.0 m, 1031, Falling slowly
Buoy M3 51° 13'N, 10° 33'W	East-Southeast, 24 Knots, Gust 35 Knots, WAVE HT 03.6 m, 1024, Falling slowly
Buoy M4 55° 0'N 10° 0'W	East, NOT AVAILABLE Knots, WAVE HT 01.7 m, 1031, Falling slowly
Buoy M5 51° 41'N 6° 42'W	East, 18 Knots, WAVE HT 02.3 m, 1028, Falling slowly
Buoy M6 53° 4'N 15° 56'W	East, 22 Knots, WAVE HT 02.2 m, 1025, Falling slowly

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

Sea Crossings	State of sea until 0600 Tuesday 30 December 2008
Dublin - Holyhead	Moderate to rough, later decreasing to moderate.
Rosslare - South Wales	Moderate to rough, later decreasing to moderate.
Cork - South Wales	Moderate to rough, later decreasing to moderate.
Rosslare - France	Mostly rough.
Cork - France	Mostly rough.

Next update before 1300 Sunday, 28 December 2008

A detailed forecast may be obtained by dialling *Weatherdial* on 1550 123 855.

Calls cost € 0.95 per minute (Incl. VAT).

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Appendix 8.3 Met Éireann Weather and Sea Condition Report.



MET ÉIREANN
The Irish Meteorological Service

Specialist field: Marine Meteorology

Reference: WS3018/2A/20081228m.doc (MCIB/165 "Skellig Light")

5) Glossary of technical terms

The information in this Marine Weather Report is derived by extrapolation from reports of the offshore weather buoys, from Met Éireann's nearby synoptic land stations, archived weather charts, satellite and radar images and wave model data. The sea conditions as stated in this report are for open sea and may be considerably different near the shore due to coastal effects and tidal currents.

UTC = Universal Time Coordinate = Greenwich Meantime

BST = British Summer Time = UTC + 1 hour (April – October)

Wind direction in degrees from North

Wind speed and gusts in knots

Temperatures in degrees Celsius

Significant wave height in meters

Wave Heights / State of Sea

The wave height is the vertical distance between the crest and the preceding or following trough. The table below gives a description of the wave system associated with a range of significant wave heights. Individual waves in the wave train will have heights in excess of the significant height. The highest wave of all will have a height about twice the significant height.

Sea State (Descriptive)	Height in meters
Calm	0 – 0.1
Wavelets	0.1 – 0.5
Slight	0.5 – 1.25
Moderate	1.25 – 2.5
Rough	2.5 – 4
Very rough	4 – 6
High	6 – 9
Very high	9 – 14
Phenomenal	Over 14

Visibility

Descriptions of visibility mean the following:-

- Good: more than 5 nautical miles (9km)
- Moderate: 2 - 5 nm (4 - 9 km)
- Poor: 0.5 to 2 nm (4km)
- Fog: less than 0.5 nm (1,000m)

Appendix 8.3 Met Éireann Weather and Sea Condition Report.



MET ÉIREANN
The Irish Meteorological Service

Specialist field: Marine Meteorology

Reference: WS3018/2A/20081228m.doc (MCIB/165 "Skellig Light")

Beaufort scale of wind force

Force	Description	Wind Speed (km/hr)	Wind Speed (knot)	Land Signs	Sea State	Sea Height* (Metres)
0	Calm	0 - 0.9	0 - 0.9	Smoke rises vertically	Sea like mirror	0
1	Light Air	1 - 5	1 - 3	Smoke Drifts	Ripples	0.1(0.1)
2	Light Breeze	6 - 11	4 - 6	Leaves rustle, wind vane moves	Small wavelets	0.2(0.3)
3	Gentle Breeze	12 - 19	7 - 10	Light flag will wave, small twigs and leaves move constantly	Large wavelets, crests begin to break, perhaps scattered white horses	0.6(1.0)
4	Moderate Breeze	20 - 28	11 - 16	All flags extended, small branches move, dust and paper blow about	Small waves, becoming longer, fairly frequent white horses	1.0(1.50)
5	Fresh Breeze	29 - 38	17 - 21	Small trees begin to sway	Moderate waves, many white horses, chance of some spray	2.0(2.5)
6	Strong Breeze	39 - 49	22 - 27	Large branches move	Large waves begin to form with foam crests. Probably some spray	3(4)
7	Near Gale	50 - 61	28 - 33	Walking into wind difficult, whole trees move	Sea heaps up and white foam from breaking waves blown in streaks	4(5.5)
8	Gale	62 - 74	34 - 40	Twigs break from trees, walking difficult	Moderately high waves of greater length; edges of crests begin to break. Foam is blown in well-marked streaks	5.5(7.5)
9	Strong Gale	75 - 88	41 - 47	Slight structural damage	High waves, dense streaks of foam, crests of waves begin to topple. Spray may affect visibility	7(10)
10	Storm	88 - 102	48 - 55	Trees uprooted, structural damage	Very high waves with long overhanging crests. Foam in great patches of dense white streaks. Tumbling sea becomes heavy and shock-like. Visibility affected.	9(12.5)
11	Violent Storm	103 - 117	56 - 63	May cause widespread damage, rare inland	Exceptionally high waves, sea completely covered with long white patches of foam, wave crests are blown into froth. Visibility affected	11.5(16)
12	Hurricane	118+	64+	Causes devastation.	Air filled with foam and spray. Sea completely white with driving spray, visibility seriously affected.	14+

* The column sea height (probable maximum height in brackets) is added as a guide to show roughly what may be expected in the open sea, remote from land.



9. LIST OF CORRESPONDENCE RECEIVED

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An Garda Síochána

Oifig an Choimisinéara
An Garda Síochána
Páirc an Fhionnuisce
Baile Átha Cliath 8
Éire

Tel/Teileafón: (01) 666 2015 / 2026
Fax/Facs: (01) 666 2013

Luaigh an uimhir tharagtha seo a leanas le do thoil:

Please quote the following ref. number:



Office of the Commissioner
Garda Headquarters
Phoenix Park
Dublin 8
Ireland

Láithreán Gréasáin / Web site:
www.garda.ie

Ríomhphost / E-mail:
commissioner@garda.ie

P.A. 2.1L
Your Ref: MCIB/165

Mr John O'Donnell B.L.
Chairman
Marine Casualty Investigation Board
Leeson Lane
Dublin 2


Re: Draft Report of the Investigation into loss of a crewmember overboard from MFV "Skellig Light II" on 28 December 2008

Dear Mr O'Donnell

I am directed by the Commissioner refer to your correspondence of 25 March 2010 in the above.

An Garda Síochána have no observations or submissions to make in respect of this draft report.

Yours sincerely


JOHN F FORDE
SUPERINTENDENT FOR
PERSONAL ASSISTANT
TO COMMISSIONER

27 April 2010



MCIB RESPONSE

The MCIB notes the contents of this letter.



SKELLIG FISH LIMITED

PRODUCERS OF "GRAN SOL" FROZEN AT SEA PRAWNS

VALENTIA HARBOUR, CO. KERRY, IRELAND
Tel: +353 66 9472177 / +353 66 9473131
Fax: +353 66 9472553
VAT No.: 4515719I

6TH April, 2010

Ms. Teresa Walsh,
Secretariat,
Marine Casualty Investigation Board,
Leeson Lane,
Dublin 2.

Re – Draft Report – Accident MFV Skellig Light 11.

Dear Ms Walsh,

Further to my letter of 26th March in reply to yours of the 25th March I have since spoken with the Skipper of the vessel on the day in question and he informed me of the following.

On docking in La Coruna the Local Police and Harbour Authorities having being advised in advance were waiting at the quayside for the vessel and the normal procedure was followed, Mr Portas body was handed over to the relevant authorities who carried out a post mortem and all the crew were interviewed by the police.

The Skipper pointed out that Spanish was the spoken language of the vessel as all the crew were Spanish and the ability to speak English would only confuse matters.

The Skipper also, confirmed that Mr Portas was wearing a PFD which kept the body afloat for the period he was in the water. The engine of the rescue boat failed to start because on launching the boat and engine were swamped by the extreme weather conditions which prevailed at the time as can be seen from the weather reports.

Yours sincerely,


Michael Quinlan



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**MCIB RESPONSE TO LETTER RECEIVED ON 8th APRIL 2010 FROM
MR. MICHAEL QUINLAN**

The MCIB notes the contents of this letter and makes the following observations:

In relation to the use of only Spanish on board the vessel, the MCIB would point out that as an Irish registered vessel it was required to comply with the language of the state of registration (Ireland) i.e. English or Irish.

In relation to other observations contained in this letter the MCIB notes that these are derived from information supplied by third parties upon which it cannot ground its conclusions.



SKELLIG FISH LIMITED

PRODUCERS OF "GRAN SOL" FROZEN AT SEA PRAWNS

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VAT No: IE 45157191

26TH March, 2010

Mr John O'Donnell, B.L.,
Chairman,
Marine Casualty Investigation Board,
Leeson Lane, Dublin 2.

Re – Draft Report – Accident MFV Skellig Light 11

Dear Sir,

I am in receipt of your letter and Draft Report and there are a number of points I would like to correct.

2.2 It was felt not necessary to include the deceased name on the crew list as it is clear he was on board.

3.1 As far as I am aware Mr Portas was in fact wearing a PFD.

5.3 The Skipper of the vessel on making immediate contact with the family of Mr Portas was requested to bring his body back to Spain as quickly as possible.

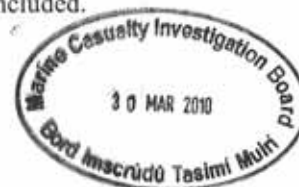
5.5 The crew were available at all times for interview, but, no request for interviews or statements were requested.

6.2 It is misleading and untrue to state that the crew could not speak or write English as they on a daily basis fill their fishing log sheets in English and also, communicate with us on shore in English and it should be further noted that all the crew from Skipper to deck hand held the necessary EU seamans ticket and qualifications.

A photograph of the Rescue boat in stowed position taken subsequent to the accident is of no significance and should not be included.

Yours sincerely


Michael Quinlan



**MCIB RESPONSE TO LETTER RECEIVED ON 30th MARCH 2010 FROM
MR. MICHAEL QUINLAN**

The MCIB notes the contents of this letter and where necessary and appropriate factual amendments have been made.

The MCIB has the following comments:

The MCIB does not accept that it was not necessary to include the name of the deceased person on the crew list and is of the view that the list should have contained the names of all persons on board.

The MCIB believes that in such circumstances it would have been appropriate that the vessel would have made its way to the nearest port.

While it is now noted that the Master and Chief Engineer could speak English, it is noted that none of the crew held the required Irish Certificates of Competency as required by law.

The MCIB considers that the photograph of the rescue boat used in the report is indicative of general approaches to safety on board the vessel.

